

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH KELLY BANKS,

Defendant.

Case No. 3:3:06-CR-00445-BR

**ORDER FOR CONTINUED
TREATMENT AND ORDER FOR NEW
RISK ASSESSMENT IN 120 DAYS (OR
BY JUNE 30, 2013)**

On October 3, 2007, this Court found the defendant Not Guilty by Reason of Insanity and ordered that he be committed to the custody of the Attorney General for care and treatment. On September 2, 2009, this Court ordered that the defendant be released by the Attorney General under a regimen of prescribed psychiatric care subject to standard and special conditions of conditional release. Conditional release commenced on December 4, 2009.

On July 13, 2011, defendant appeared with counsel at a hearing to determine whether defendant's conditional release should not be revoked. The defendant admitted he had violated the conditions of conditional release by failing to attend mental health treatment appointments and other

supervision appointments as directed by the treatment program and the probation officer. He was remanded to the custody of the Attorney General for a psychiatric or psychological examination pursuant to 18 U.S.C. § 4243 (g), 18 U.S.C. § 4247 (b) and (c), to determine whether the defendant is suffering from a mental disease or defect for which his release would create a substantial risk of bodily injury or serious damage to the property of another.

On October 11, 2011, a Forensic Mental Health Evaluation was submitted to the Court for review, recommending that the defendant's conditional release be revoked and that he be committed for care and custody in a suitable facility for the treatment for a mental disorder pursuant to 18 U.S.C. § 4243.

On November 16, 2011, this Court revoked defendant's conditional release and ordered that he be remanded to the custody of the Attorney General for care and treatment at a suitable facility. The Court requested that the defendant be reevaluated within 120 days to determine whether the defendant can be safely returned to the community.

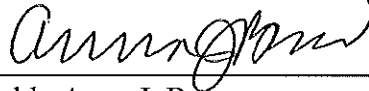
On May 22, 2012, a status conference was held to discuss the Risk Assessment Panel's recommendation that defendant remain in custody. The panel found that defendant's release would create a substantial risk of bodily injury or serious damage to the property of another.

On November 30, 2012, the Bureau of Prisons forwarded their Risk Assessment Panel Report to this Court. Again, the panel found that defendant's release would create a substantial risk of bodily injury or serious damage to the property of another.

The parties now having reviewed the report, and with no objection by defendant as represented by his attorney,

IT IS ORDERED that defendant is to remain in the custody of the Attorney General for care and treatment, which should include group and individual therapy sessions, at a suitable facility. The Court further recommends, with both parties support, that the defendant be reevaluated in 120 days (by June 30, 2013) to determine whether the defendant can be safely returned to the community.

DATED this 12th day of February, 2013.



Honorable Anna J. Brown
United States District Court Judge

Submitted by:



Gerald M. Needham
Attorney for Defendant